

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

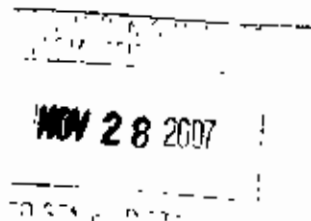
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November 28, 2007

BY FACSIMILE

Honorable Naomi Reice Buchwald
United States District Judge
Southern District of New York
500 Pearl St., Room 650
New York, New York 10007
Fax: 212-805-7927



Re: Arturo Rivera v. City of New York, et. al., 07 CV 9632 (NRB)¹

Your Honor:

As the Assistant Corporation Counsel assigned to the defense of the above-referenced civil rights action, I write to respectfully request that defendants Martin Horn and the City of New York's time to answer or otherwise respond to the complaint in this action be enlarged sixty (60) days from December 31, 2007 to and including February 29, 2007.² I have conferred with plaintiff's counsel, Nicole M. Bellina, Esq., and she consents to this request for an initial enlargement of time.

¹ This case has been assigned to Assistant Corporation Counsel Katherine E. Smith, who is presently awaiting admission to the bar and is handling this matter under supervision. Ms. Smith may be reached directly at (212) 513-0462.

² A check of the docket sheet indicates that affidavits of service of the summons and complaint have not been filed with respect to the individuals identified in the caption of the complaint as "Correction Officer Ortiz," "Correction Officer Cooper" and "Warden Michael Hourbane," nor have these individuals requested representation from this office. Without making any representations on behalf of the aforementioned individuals, it is respectfully requested that, in the event they were served, their time to respond to the complaint similarly be enlarged so that their defenses are not jeopardized while representational issues are being decided.

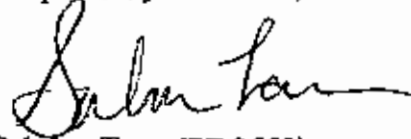
So Ordered
Naomi Reice Buchwald
11/29/07

As background, the complaint alleges, *inter alia*, that on August 2, 2006, while incarcerated at Rikers Island, Officers Ortiz, Cooper and other unidentified New York City Department of Correction officers employed excessive force and subsequently denied plaintiff medical treatment in violation of his state and federal civil rights. As a threshold matter, an enlargement of time will allow this office to obtain the underlying documentation regarding the alleged incident from the facility and forward to plaintiff for execution an authorization for the release of his medical records. Without the records, defendants cannot properly assess this case or respond to the complaint. Accordingly, defendants require this enlargement so that they can obtain the underlying documentation, properly investigate the allegations of the complaint and fulfill their obligations under Rule 11 of the Federal Rules of Civil Procedure.

No previous request for an enlargement of time has been made. Accordingly, defendants Martin Horn and the City of New York respectfully request that their time to answer or otherwise respond to the complaint be enlarged sixty (60) days from December 31, 2007 to and including March 3, 2007.

I thank Your Honor for considering the within request.

Respectfully submitted,



Sabrina Tann (ST 2552)
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